

**MEMO ENDORSED**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALBERT T. BEANE, JR.,

Plaintiff,

v.

THE BANK OF NEW YORK MELLON, BNY  
CONVERGEX EXECUTION SOLUTIONS LLC  
and CALLAN ASSOCIATES, INC.,

Defendants.

07-Civ-9444

Motion [428] for extension of page	
x limits is respectfully denied	
as motion complies w. the Court's	
rules (universally followed) & having	
been submitted after the fact (	
universally never done). Court will	
extend 9444 (RMB) an application for total	
SO ORDERED:	<i>Richard M. Berman</i>
Date: 3/17/08	Richard M. Berman, U.S.D.J.
extension up to 40pp (ditto good).	

**DEFENDANTS' NOTICE OF MOTION FOR ADDITIONAL PAGES**

The Bank of New York Mellon, BNY ConvergeX Execution Solutions LLC, and Callan Associates, Inc. (collectively, "defendants"), hereby move for additional pages for its Joint Memorandum Of Law In Support Of Their Motion To Dismiss And In Opposition To Plaintiff's Motion To Certify Class Of ERISA Plans.

Under this Court's Individual Practices, "[m]emoranda of law in support of and in opposition to motions are limited to **25 pages**." Individual Practice 2.C. (emphasis in original). If Callan and the BNY defendants had filed two separate memoranda in support of two separate motions to dismiss plaintiff's complaint, as well as two separate memoranda in opposition to plaintiff's motion for class certification, defendants' papers could have totaled up to 100 pages. The defendants, however, have complied with this Court's instruction to make all their arguments in a single memorandum, and have worked diligently to present these arguments in as succinct a manner as possible. Because the defendants wanted their arguments to be clear and

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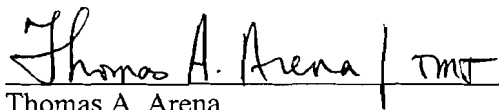
thorough, however, and because certain arguments applicable only to Callan or the BNY defendants required additional space, the memorandum filed today with the Court totals 63 pages.

At oral argument during the status conference on December 18, 2007, this Court expressed its willingness to grant the defendants relief from the page limitation, if necessary. *See* Tr. of Oral Argument 5:20-22 (Dec. 18, 2007). Although defendants believe that they have complied with the spirit of this Court's Individual Practices, out of an abundance of caution we respectfully move for additional pages to file our joint memorandum. Counsel for the plaintiff has advised that plaintiff does not oppose this motion.

DATE: March 14, 2008



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